



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 26, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0425

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	SPD Legacy Policy Section 1.029 - Rules of Conduct; III. Obedience to Rules (2003) Employees shall be familiar with, abide by, and conform to all Local, State, and Federal laws	Not Sustained - Inconclusive

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant made an OPA complaint alleging that Named Employee #1 (NE#1)—an unknown SPD employee—subjected him to “child pornography” almost a decade ago—when he was 15 years old. Specifically, the Complainant alleged NE#1 arrested him, brought him to the South Precinct, and made him pull his pants down while NE#1 photographed his private parts.

ADMINISTRATIVE NOTE:

On December 22, 2022, after receiving the Complainant's allegations, OPA referred the matter to SPD for criminal investigation. SPD returned it to OPA, determining that the statute of limitations had expired.¹ Nevertheless, SPD sent it to the King County Prosecuting Attorney's Office “as a statutory referral only.”

On May 8, 2023, Seattle's Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

A. OPA Complaint

On December 8, 2022, the Complainant left a voicemail for OPA alleging he was “sexually assaulted by some police officers that arrested [him].” He said it happened when he was 14 years old², “almost 20 years ago...” The Complainant also emailed OPA that day, saying he saw one of his offenders working at Washington State Patrol in Blaine, Washington. He emailed OPA again that day, covering the allegations raised in his voicemail. In the second email, he indicated he was 15 years old when the incident occurred.

¹ SPD determined that the appropriate charge was Sexual Exploitation of a Minor, which had a three-year statute of limitation.

² Later, in the same voicemail the Complainant said he was 15 years old when the incident occurred.

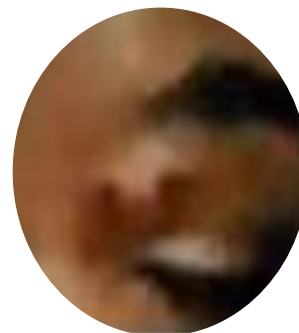
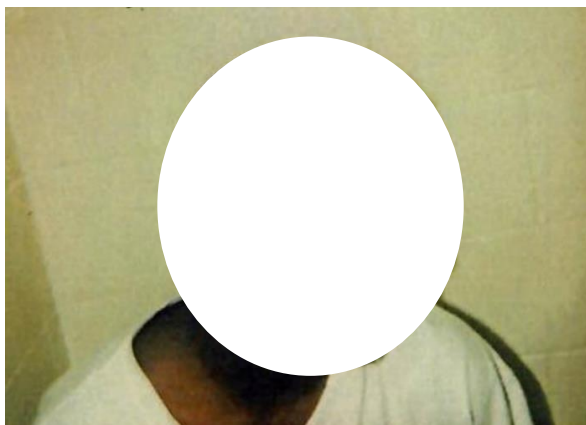


B. Computer-Aided Dispatch (CAD)

OPA reviewed CAD records, indicating the Complainant was arrested for obstruction, marijuana possession, and “UFC – Hands” on April 8, 2003, at 2:30 PM near 8600 Rainier Avenue S. The reporting officers were two patrolmen—Witness Employee #1 (WE#1) and Witness Employee #2 (WE#2)—and a sergeant—Witness Employee #3 (WE#3). On July 3, 2003, prosecutors declined to pursue charges against the Complainant.

C. Incident Report and Use of Force Report

OPA reviewed the incident report and the detective’s—Witness Employee #4 (WE#4)—case investigation report (CIR) for the criminal investigation SPD opened following the Complainant’s OPA complaint. WE#4 found a use-of-force packet related to the Complainant’s 2003 arrest.³ The CIR indicated WE#1 and WE#2 approached the Complainant about a suspect drug deal, and the Complainant fled. WE#1 tackled the Complainant. The Complainant was transported to the South Precinct, where WE#3 photographed the Complainant’s injuries. The photo shows the Complainant from his shoulders up, capturing a lump over his right eye.



WE#4 also interviewed the Complainant, whose account was consistent with his OPA complaint. Additionally, he noted that at the South Precinct, an officer told the Complainant he had a search warrant to photograph him. The Complainant was ordered to remove his pants as the officer photographed his “private parts.” Further, the Complainant said he recently saw one of the officers—then a Washington State Patrol officer—at a gas station near Blaine, Washington. The Complainant described that officer as a 6’5” or 6’6” white male, 260 pounds, clean-shaven, with dark eyes and long dark hair. He described the other officer as a 5’11” white male, 220 pounds, with a buzz cut.

A Washington State Patrol public records manager confirmed that WE#1 never worked there. WE#2 is on leave at SPD, so he could not work at WSP. WE#3 retired from SPD years ago and was beyond the allowable age for a lateral hire.⁴

³ Other documents related to the Complainant’s arrest were destroyed pursuant to retention policies.

⁴ WE#3 was born in 1937.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

Employees shall be familiar with, abide by, and conform to all Local, State, and Federal laws.

The Complainant alleged that NE#1 committed a sex crime against him.

Employees shall be familiar with, abide by, and conform to all local, state, and federal laws, all laws and ordinances of the city of Seattle, and department rules and procedures. Legacy Policy Section 1.029 – Rules of Conduct; III. Obedience to Rules (2003). A person is guilty of sexual exploitation of a minor if they compel a minor by threat or force to engage in photographed sexually explicit conduct. See RCW 9.68A.040.

Here, none of the officers involved in the Complainant's 2003 arrest matched his offenders' descriptions⁵. OPA also searched the Washington State Patrol's roster and found none of them there. Moreover, the only photograph from the Complainant's arrest OPA found captured him from shoulders up. Unfortunately, while understandable if true, the Complainant's delayed outcry left scant evidence for OPA's consideration.

Accordingly, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

⁵ Department photos and physical descriptions show WE#1 as 6', 185 pounds and bald, WE#2 as 6' 270 pounds, with short brown hair, and WE#3 as 5'9", 157 pounds, with short white hair.